

POSITION MANAGING DIRECTOR (UK)
DATE OF BIRTH 1967
EMAIL ADDRESS mark.wheeler@driver-group.com



RECENT COMMISSIONS / EXPERIENCE

Mark specialises in providing expert services support in the preparation of detailed technical, quantum and claim reports for support in construction dispute resolution, whether by means of Litigation, Adjudication, Arbitration, or Mediation.

Mark is by original training a Building Services Engineer over 25 years Mechanical and Electrical experience. He has particular experience of construction project management and the problems caused by the coordination of building service with the architectural and structural elements of a scheme.

Mark is currently instructed in a claim of £1.5M against a national firm of services engineers for various design and management errors associated with a new maternity unit.

He is also instructed as an expert in an NEC3 project, where the correct use of the contract from a project management perspective is required. Mark is also expert in a Dublin based dispute regarding the performance of air conditioning equipment.

In 2004 Mark worked on a nuclear power dispute and claim involving complex equipment for deployment in reactor. Several sites were involved, at AGR stations in the UK. Issues included cost and time related matters, but centred around the performance of the equipment and failure to meet specification. The matter was successfully resolved by negotiation.

In 2006 Mark prepared a detailed series of claims in relation to a Coal Fired Power station in Northern Greece, including a delay exercise and loss and expense submission prepared from a detailed analysis of the clients records, arising from a transformer failure and associated prolongation and disruption costs, approx value 20M Euros. The station was a new build and included boiler plant HV distribution and an extensive Civils contract. Mark also assessed aspects of the claim in various currencies and counties, including the flue gas desulphurisation element.

In 2007 Mark was instructed to deal with a series of complex technical M & E defects and resultant time and money claims in a new hospital project, valued at £35M, of which £15M was initially disputed, with over 1 years delay at stake. Following resolution of some key areas of technical and financial dispute by mediation, Mark was instructed to project manage to project to completion, an appointment agreed by both parties. Following delivery of successful completion, Mark dealt with the quantum of a technical account for services consisting of several thousand items, dealt with by negotiation.

Mark led a large team of engineers, planners and surveyors in the preparation of a final account and claims for prolongation and disruption at a Coal fired power station in Wales. This involved dealing with a bespoke contract and detailed daily site records in a high pressure deadline situation, where the account needed to be submitted in a contractually defined period and was highly complex. The account variations and claim totalled over £20M and was prepared to litigation standard from scratch in 3 months. The Project involved sea water flue gas desulphurisation, the construction of a sea water tank and outfall into the channel.

The same matter was then the subject of adjudication over damages, and Mark led a team to successfully rebut the claims by preparing quantum and delay analysis.

Mark has provided representation for client's in other forums, such as planning disputes, where he recently represented a client in three day public enquiry.

In 2009 Mark led a team of six to carry out a detailed cost audit of a national Nuclear technical framework contract, at various Power Station locations across the UK. The total value of the framework is

£25M and complex findings were reported to the highest level in the clients business by means of a presentation and detailed quantum report.

FURTHER EXPERT COMMISSIONS

TECHNICAL REPORTS

Mark has acted as Expert in the following appointments:

Technical M & E – Assessment of boiler plant capacity in relation to an Arbitration dispute, evidence provided at a 3 day hearing, including cross examination, 80K in dispute.

Technical Mechanical and Electrical services – Review of humidity control systems and plant capacity for a rare book store, report provided for use in Adjudication, £300K in dispute.

Technical Mechanical and Electrical services – Review of plant capacity for a large computer suite where cooling inadequate, causing IT problems that would cause losses of around £40K per day if the system failed. Created innovative solutions to the problem for £30K, to solve situation completely.

Technical Mechanical and Electrical services and Quantum – Mark has provided technical and cost reviews on a number of large buildings as part of Service Charge disputes, arising from the lease. This often involved major plant replacement and maintenance or repair issues. The disputes all related to large high rise office / retail / residential buildings. Disputes ranged from £500K to £1.5M.

Quantum Mechanical and Electrical services – Preparation of valuation of M& E Services for litigation dispute, private developer v Department Of Trade & Industry, allegations of fraud. Technical aspects to dispute, value of development £13M, dispute value £3M.

QUANTUM ONLY REPORTS

Quantum Mechanical and Electrical services – Preparation of a Subcontract Final Account ascertainment, for use in Adjudication and possible litigation, review of technical design issues. Dispute value £600K. Client, national M & E Contractor

Quantum Mechanical and Electrical services – Preparation of M & E subcontract account and claims for loss and expense, value in dispute £750K, matter successfully settled.

Defence of a series of claims for prolongation, disruption, extensions of time, serious defects and measured account disputes in relation to a large CCTV installation dispute between a local Authority and private contractor. Value in dispute - £600K

Quantum expert report in respect of a series of disputes arising from a measured term maintenance contract for a large housing stock. The dispute related to contractual interpretation and methods of measurement. The issues were finally negotiated after Arbitral proceedings were started. Value in Dispute, approx £1M overall.

Quantum preparation in a Civil engineering dispute between a Groundwork Contractor and a national Housing Contractor, relating to the installation and valuation of sewers and other drainage works. The award was 100% successful on this upon the issues and in terms of time money, costs and interest.

Final account dispute with a contractor, against a commercial employer, regarding payment for variations, defence of allegations of defects and abatement The award was 100% successful on this upon the issues and in terms of time, money, costs and interest.

Acting for the employer in defence of a contractor's claim for measured account works and extensions of time and associated prolongation costs. Contractor's claim reduced successfully by 2/3.

BACKGROUND

Mark has over 20 years' engineering experience within the construction industry.

Mark trained as a mechanical and electrical engineer, with a firm of specialist contractors that undertook a wide range of building services installations in commercial buildings, on both a pre-designed and design and build basis. During this time Mark gained site experience in office developments, industrial projects and a number of schools and hospitals.

Mark has subsequently acted as an expert witness in both technical M & E matters and M & E quantum disputes.

Claims for money include claims for additional payment for variations, re-measurement, damages, disruption, prolongation and increased costs. Particular areas of experience include issues such as: re-rating of Billed items; valuation of disruption; preliminaries thickening; head office overheads; site overheads; and plant depreciation.

For the last 18 years Mark has held senior positions within a number of organisations as Partner or Director. He has been responsible for the work of teams of Surveyors and Consultants under his management and control.